

### **REMARKS**

Applicants have withdrawn claims 13, 15 and 21 in accordance with the Examiner's final decision on the Restriction Requirement. New claim 23 has been added.

In addition, Applicants have amended claim 1, 3 and 14. Respectfully, the Applicants believe that the application now clearly defines patentable subject matter, and respectfully requests the Examiner to withdraw any outstanding objections and rejections to the application and claims.

### **Power of Attorney**

Prosecution of this case has recently been transferred to the undersigned attorney. An executed Power of Attorney has been submitted in connection with this response.

### **Drawing Objection**

The drawings were objected to under 37 CFR 1.83(a) as not showing the features of claim 22 (sic), namely the conversion into a push pram for babies or toddlers. Applicants have submitted herewith a new drawing sheet with a new Fig. 20. Fig. 20 is a duplicate of originally filed Fig. 13 further showing the suitable accessorial and safety attachment referred to in the specification for conversion into a push pram for babies or toddlers, namely a car seat disposed on top of the lid and attached to the case. The drawing contains no new matter.

Support for the drawing in Fig. 1 can be found in ¶ [0045], page 7, lines 14-15, as well as ¶ [0103], page 15, lines 28-30. Support for new FIG. 20 can be found also in originally filed ¶ [0087], page 13, lines 6-9, which states in pertinent part "The self-supporting and self stabilizing characteristics of the wheeled luggage case make it suitable for transporting an infant in addition to the contents of the case. For this purpose, a child seat may be disposed on top of lid and be secured to the case."

The specification has been amended slightly to refer to the addition of Fig. 20 and reference number 66 appearing in Fig. 20, which references the accessorial and safety attachment, e.g. car seat, for converting into a pram for babies or toddlers.

Applicants' new claim 23 specifically claims that the car seat may be disposed on the top lid and secured to the case as shown in new FIG. 20.

**Clarity Objection**

Claims 3 and 4 were rejected under 35 USC §112, second paragraph, as being indefinite. Claim 3 has been amended to clarify the 'stopper' limitation. Basis for the amendment to claim 3 can be found in the description page 12, line 34 to page 13, line 4. Claim 14 has been amended to provide antecedent basis for "the pivot". Applicants respectfully request that these objections be withdrawn in view of the amendments to claims 3 and 14.

**Amendments to Claim 1**

Claim 1 has been amended in several respects. It has been amended to state that the luggage receptacle has a length and width that both exceed its height. This limitation has basis in the specification at page 9, lines 29-31.

Further amendments include inserting the word "closely" to indicate that the bottom wall closely faces the ground. This limitation is clear from the Figures, especially Figure 4, that the bottom wall closely faces the ground. The skilled person, when reading the specification with reference to the drawings would clearly and unmistakably recognize that the bottom wall closely faces the ground, in order that the centre of gravity of the case be low, as stated in the description (see for example page 14, lines 27-30).

Additionally, claim 1 has been amended to state that the case may be wheeled along on the bottom wall like a trolley. This has basis from the Figures as well as page 7, line 12 and page 15, lines 15-30.

Claim 1 has also been amended to recite that the support wheels are located at the rear end of the bottom wall. This has support, e.g., page 6, line 12 and page 14, line 33.

Claim 1 has been further amended to state that when the steering wheel assembly is in the active position, in use, the steering wheel assembly and support wheels are in contact with the ground and the luggage receptacle may be pushed along by the handle with the steering wheel assembly leading. This has basis from the Figures, for example from Figure 5.

Finally, claim 1 has been amended to state that the steering wheel assembly extends further from the bottom wall than the support wheels, such that the bottom wall is at an incline with respect to the ground, the bottom wall being inclined upwardly away from the support wheels, such that a greater portion of the forces acting on the luggage receptacle will act through the support wheels than through the steering wheel assembly. Basis for the amendment can be found on p 9, lines 9-11. Basis for the use of the term 'incline' rather than 'acute angle' can be found at p 15, lines 32-33 and p 10, lines 29-30 (use of the term 'incline' rather than 'acute angle' clarifies that an angle of 0 degrees between the bottom wall and the ground is not included within the scope of the claim).

### **35 USC §102(b) Rejections**

Claims 1-11, 14, 16-20 and 22 have been rejected as being anticipated by Chomard (FR 2598897). Applicants submit that claim 1 as amended is novel and inventive in light of Chomard. The arrangement of the wheels and handle as recited in amended claim 1 is such that when the steering wheel assembly is in the active position, the luggage receptacle may be pushed along by the handle with the steering wheel assembly leading, the bottom wall being inclined such that a greater portion of the forces acting on the luggage receptacle will act through the support wheels than through the steering wheel assembly. In contrast, in the luggage receptacle of Chomard, the wheels and handle are arranged such that when pushing the receptacle by the handle 16, the receptacle will wheel along with the non-steerable wheels 9 leading and the swivel wheels 10 at the rear end. Applicants found that through using the arrangement of amended claim 1, the luggage receptacle will appear lighter and will be easier to maneuver and steer through a fulcrum like effect (see page 12, lines 9 to 12). By use of the claimed arrangement, the centre of gravity of the luggage is displaced by the tilting of the luggage receptacle, towards the support wheels, and therefore towards the user. As the centre of gravity is closer to the user, the user can apply less torque to turn the receptacle, than if the bottom wall were not inclined, or were inclined away from the user. In contrast, in Chomard, the bottom wall of the case is inclined away from the handle 16, displacing the centre of

gravity away from the user, therefore the user will need to apply a greater torque to turn the case of Chomard than the case of amended claim 1.

A further advantage of the claimed invention is that if any articles are placed on top of the luggage receptacle they will naturally fall towards the support wheels and hence towards the handle, which will mean that they will stay on top of the luggage receptacle more easily (see page 12, lines 12-15). In contrast, in Chomard, articles placed on top of the luggage receptacle will fall away from the handle, and a special bracket 29 must be provided at the opposite end from the handle to retain articles on top of the luggage receptacle (see Figure 1).

Applicants submit that for the reasons given above, the present invention is therefore novel and inventive in light of Chomard.

### **35 USC §102(b) Rejections**

Claims 1-6, 10-12, 14, 16-20 and 22 have been rejected as being anticipated by Seynhaeve (US 5044476). Applicants submit that claim 1 is novel and inventive in light of Seynhaeve. Claim 1 recites that the luggage receptacle has a length and width which both exceed its height, whereby a major wall (i.e. one of the two largest faces of the receptacle) is adapted to serve as a bottom wall that closely faces the ground during use of the wheels whereby the case may be wheeled along on the bottom wall like a trolley. Therefore, in the claimed invention, one of the two largest faces of the receptacle faces the ground during use of the wheels. In contrast, the case of Seynhaeve is wheeled along on a narrow end wall. The claimed invention provides a receptacle for wheeling with much improved stability with a wide base and low centre of gravity, compared to the wheelable receptacle of Seynhaeve which has a narrow base and a high centre of gravity. Another advantage of the invention of claim 1 over Seynhaeve is that by wheeling the receptacle along on one of its largest faces, the receptacle can have a handle that is of substantially the same width as the receptacle width, such that the user can use two hands to push the case and can apply a greater turning force on the receptacle by applying a couple force on the handle. In contrast, the receptacle of Seynhaeve can only

accommodate a handle having a width that is substantially the same as the narrowest part of the case, and which can only be used by one hand.

Applicants submit that for the reasons given above, the present invention is therefore novel and inventive in light of Seynhæve.

Claims 1-11, 14, 16-20, and 22 have been rejected as being anticipated by Kuo (US 6182981). Applicants submit that claim 1 is novel and inventive in light of Kuo. Firstly, claim 1 recites that a major wall serving as a bottom wall closely faces the ground during use. In Kuo, the major wall that faces the ground during use does not closely face the ground; in fact, referring to Figure 1 of Kuo, the minor end wall on which the support wheels 40 are located faces the ground more closely than the major wall on which the wheeled leg is located.

Furthermore, the present invention differs from Kuo in that in the present invention the steering wheel assembly and support wheels are configured such that the incline of the bottom wall with respect to the ground causes a greater portion of the forces acting on the luggage receptacle to act through the support wheels than through the steering wheel assembly. In contrast, in Kuo, during wheeling as shown in Figure 1, due to the angle of tilt, the centre of gravity of the case would be displaced away from the support wheels 40 and a greater portion of the forces acting on the case would act through the wheel at the end of the leg than through the support wheels 40. The Applicants have found, however, that through use of the claimed arrangement, the luggage receptacle appears lighter and is easier to maneuver and steer, by means of a fulcrum like effect (see page 12, lines 9-12).

A further distinction between the invention of claim 1 and Kuo is that in use, the luggage receptacle of the present invention may be pushed along by the handle with the steering wheel assembly leading, as recited in amended claim 1. In contrast, during wheeling the case of Kuo, the arrangement of the handle and wheels is such that the case can only be pushed along by the handle with the support wheels 40 leading.

Applicants submit that for the reasons given above, the present invention is therefore novel and inventive in light of Kuo.

**35 USC §103(a) Rejections**

Claims 1, 4, 6-11, 14, 16, 17, 19, 20 and 22 are rejected as being unpatentable over Sadow in view of Chomard or Moon. Sadow does not teach that the wheels should be arranged to provide an acute angle extending away from the support wheels. It would not have been obvious to provide a wheeled luggage case according to claim 1 in light of Sadow and Chomard, as even if a person having ordinary skill in the art were motivated in light of Chomard to provide the case of Sadow with an inclined bottom wall, the teaching of Chomard would be to incline the bottom wall upwardly away from the support wheels 16 of Sadow, however the handle 118 of Sadow is arranged such that when pushing the case along using the handle, the support wheels 16 would be in front. In contrast, in the arrangement of amended claim 1, the handle and wheels are arranged such that when using the handle to push the case, the steering wheel assembly leads.

Claim 1 is not obvious in light of Sadow and Moon. A person skilled in the art would not have been motivated to combine the teaching of Moon with that of Sadow, since they relate to different fields, namely utility carts on the one hand and carrying cases on the other hand. Additionally, none of the wheels of Moon are retractable, therefore a person having ordinary skill in the art would not look to a disclosure relating to a utility cart with non-retractable wheels to try to modify a luggage case having retractable wheels. Furthermore, even if one were to try to modify the luggage case of Sadow Figure 16 in light of Moon, to provide the case of Sadow with an inclined bottom wall, the teaching of Moon would be to incline the bottom wall upwardly away from the support wheels 16 of Sadow, however, as described above, this would not arrive at the claimed invention.

Applicants submit that claim 1 is inventive in light of Sadow in view of Chomard or Moon for the reasons give above.

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**Conclusion**

Applicants respectfully and earnestly submit that the claims as amended define patentable subject matter, and that the application as amended is in condition for allowance.

Respectfully submitted,

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